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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,452	06/11/2002	Michael Hofsaess	1780	1445
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
09/03/2008				
EXAMINER				
DAVIS, OCTAVIA L				
ART UNIT		PAPER NUMBER		
2855				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/069,452

**Applicant(s)**

HOFSAEISS, MICHAEL

**Examiner**

OCTAVIA DAVIS

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Warsher (2,351,377).

Regarding claim 1, Warsher discloses an electromagnetic structure comprising a carrier plate 42, a magnet 21, a magnetically sensitive element 52 and a tongue element 39 that protrudes from the plate, wherein between the tongue and the plate an air gap is formed in which the magnetically sensitive element 52 is located (See Col. Pg. 2, Col. 1, lines 15 – 23 and 66 – 71).

Regarding claim 2, the magnet 21 is mounted on the tongue 39 (See Fig. 2).

Regarding claim 3, the magnet 21 is attached to the plate 42 (See Fig. 2).

Regarding claim 4, a second magnet 26 is provided that is disposed on the tongue 39 and on the plate 42 (See Fig. 1).

Regarding claim 5, the tongue 39 is integral with the carrier plate 42 (See Fig. 1).

Regarding claim 6, the tongue 39 is resilient (See Pg. 2, Col. 1, lines 66 – 71).

Regarding claims 7 and 8, the measuring means includes a stop 40 that limits motion of the tongue 39 (See Pg. 2, Col. 1, lines 66 – 72), the stop being located on the plate 42 and joined to the tongue 39 (See Fig. 5).

Regarding claim 9, the tongue is a bar-like element (See Fig. 5).

Regarding claim 10, the force is converted into a relative motion between the tongue and the carrier plate and the relative motion leads to a change in magnetic field intensity detectable by the magnetically sensitive element 52 (See Pg. 2, Col. 2, lines 23 - 36 and Pg. 3, Col. 1, lines 17 - 31).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Volke (4,338,585) discloses a solenoid having a hinged armature.

Wiklund (5,326,982) discloses an analogue displacement sensor.

Prinz et al (4,532,810) disclose a device for the pick-up of measured values.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mondays through Thursdays from 9 to 5. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Edward Lefkowitz/

Supervisory Patent Examiner, Art Unit 2855

OD/2855

8/30/08

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